

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J. K. RADHS, Minor.

UNPUBLISHED
March 27, 2014

No. 317906
Montcalm Circuit Court
Family Division
LC No. 2010-000455-NA

Before: GLEICHER, P.J., and HOEKSTRA and O'CONNELL, JJ.

PER CURIAM.

Respondent mother appeals as of right the order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood that child will be harmed if returned to parent). We affirm.

In her brief on appeal, respondent transitorily asserts that the circuit court clearly erred when determining that the statutory grounds for termination were established by clear and convincing evidence. “In order to terminate parental rights, the circuit court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met.” *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). “We review the circuit court’s determination for clear error.” *Id.* “A finding is ‘clearly erroneous’ if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made.” *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

We find no clear error in the circuit court’s assessment of the statutory ground for termination under MCL 712A.19b(3)(c)(i). The record establishes that respondent struggled with substance abuse and mental health issues, and that she had been involved in domestic violence incidents. Respondent’s case services plan required her to obtain substance abuse treatment and domestic violence counseling, among other things. In addition, the court ordered respondent not to have contact with her boyfriend, with whom she had previously had a violent relationship. The record indicates that respondent complied, at least in part, with the treatment and counseling. However, the record confirms that respondent did not benefit from the counseling; rather, respondent surreptitiously continued a romantic relationship with the boyfriend. The record also confirms that there was no indication mother would rectify the domestic violence issues within a reasonable time considering the age of the child. See MCL

712A.19b(3)(c)(i). Accordingly, we conclude that the circuit court properly found at least one statutory ground for termination existed. We need not consider the additional grounds upon which the circuit court based its decision. *In re HRC*, 286 Mich App at 461.

Respondent next argues that termination of her parental rights was not in the child's best interests. Once the circuit court has found clear and convincing evidence of a statutory ground for termination, the court must order termination of a parent's rights if the court finds by a preponderance of the evidence that termination is in the child's best interests. MCL 712A.19b(5); *In re Moss*, 301 Mich App 76, 83; 836 NW2d 182 (2013); see also MCR 3.972(C)(1). The circuit court may consider a variety of factors in making the best interest determination, including the parent-child bond, the child's need for permanency and stability, and the relative advantages of a foster home over the parent's home. *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012).

The record establishes that the child was emotionally and behaviorally harmed by the domestic violence that she witnessed while in respondent's care. Respondent was incarcerated for violating probation before the child was taken into care; and the child expressed anxiety about respondent returning to jail in the future. More than seven months after the child was taken into care, respondent was incarcerated for violating probation for a second time. The probation violation arose because respondent resumed her relationship with her boyfriend, despite their history of domestic violence. Moreover, the record established that respondent nevertheless planned to stay with the boyfriend once the minor child was returned to her care. Thus, contrary to respondent's arguments on appeal, the record establishes that she was unwilling or unable to place the best interests of the child above her own desires throughout the proceeding. The record also establishes that respondent failed to create age-appropriate boundaries and failed to provide guidance for the child. In sum, the record establishes that respondent lacked adequate parenting skills.

Respondent argues that it was not in the child's best interests to terminate her parental rights because she would have been able to obtain adequate parenting skills if given additional time to complete services. Contrary to respondent's arguments on appeal, however, the record establishes that she failed to make progress during the proceedings. At the time of termination, respondent was unable or unwilling to effectively and safely parent the child, and there is no indication on the record that she would be able to do so within a reasonable time, given the child's need for stability. See *In re LE*, 278 Mich App 1, 29-30; 747 NW2d 883 (2008). Based on a review of the record, the circuit court correctly concluded that terminating respondent's parental rights was in the minor child's best interest and, thus, it did not clearly err. MCL 712A.19b(5); see *In re HRC*, 286 Mich App at 459.

In reaching this conclusion, we reject respondent's argument on appeal that the circuit court's findings of fact in relation to its best-interest determination were deficient. The court's findings were sufficient to satisfy the requirements of MCR 3.977(I)(1).

Affirmed.

/s/ Elizabeth L. Gleicher

/s/ Joel P. Hoekstra

/s/ Peter D. O'Connell